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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------------|------------------------|
| 09/788,282 | 02/16/2001 | Michele Borgatti | 854063.616 | 5300 |
| 500 7590 11/23/2007 SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE SUITE 5400 SEATTLE, WA 98104 | | | | |
| | | | EXAMINER FAULK, DEVONA E | |
| | | | ART UNIT 2615 | PAPER NUMBER |
| | | | MAIL DATE 11/23/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/788,282 | BORGATTI ET AL. | |
| | Examiner | Art Unit | |
| | Devona E. Faulk | 2615 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed 6/28/2007, with respect to the rejection(s) of claim(s) 1-22 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of 112 rejections.
2. Claims 23-25 are cancelled.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1, and dependent claims 2-11, recite "the control unit being structured to provide a user interface to a user via an external user interface device". The specification discloses on page 3, lines 23-29, that " *The control unit 3 further comprises a first interface circuit 13, which co-ordinates exchange of data and instructions between the control unit 3 and the central bus 6, and is, for instance, implemented by means of a 16-bit direct-memory-access (DMA) circuit. The*

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first interface circuit 13 is connected to the central bus 6 via a first local bus 14. The control unit 3 may also include a second interface circuit 15, of the serial type, which co-ordinates exchange of information and software between the control unit 3 itself and external devices or computers 45 for carrying out user applications". The newly recited claim noted above is new matter.

Claim 12, and dependent claims 13-22, recite "in response to a request from a user for a requested audio signal, determining by the controller that the requested audio signal corresponds to a second stream of compressed digital signals; sending a digital request from the controller through the memory interface to the memory unit, the digital request requesting the second stream of compressed digital signals from the memory units". The specification discloses "*In greater detail, the control unit 3 includes a central processing unit (CPU) 7 which has logic, arithmetical and control functions; a read-only memory (ROM) 8, which is available upon turning-on of the electronic device 1 and in which data and instructions used by the CPU 7 for managing operation of the electronic device 1 are permanently stored; and a random-access memory (RAM) 9 for temporary reading and writing of data and instructions. In detail, the RAM memory 9 is divided into two memory banks 10, 11, each of which is in turn subdivided into a plurality of memory modules 12 that may be accessed individually. In particular, the memory modules 12 having lower addresses are designed for data storage, whilst the memory modules having higher addresses can be used for storage of programs for fetching instructions from the CPU 7, or can remain available for data storage. The control unit 3 further comprises a first interface circuit 13, which co-ordinates exchange*

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of data and instructions between the control unit 3 and the central bus 6, and is, for instance, implemented by means of a 16-bit direct-memory-access (DMA) circuit. The first interface circuit 13 is connected to the central bus 6 via a first local bus 14. The control unit 3 may also include a second interface circuit 15, of the serial type, which coordinates exchange of information and software between the control unit 3 itself and external devices or computers 45 for carrying out user applications.” The specification does not disclose a user requesting an audio signal nor or the controller sending a digital request requesting a stream of compressed data. The claim language is new matter.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,453,281 to Walters et al. discloses a portable audio database device with icon-based graphical user interface.

US 6,604,168 to Ogawa discloses flash EEPROM management using ration of used to unused sectors.

US 5,903,871 to Terui et al. discloses a voice recording and/or reproducing device.

US 5,787,445 to Daberko discloses an operating system including improved file management for use in devices utilizing flash memory as main memory.

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US 6,016,522 to Rossum discloses a system for switching between buffers when receiving bursty audio by computing loop jump indicator plus loop start address for read operations in selected buffer.

US 6,076,0623 to Unno discloses an audio player and recorder employing semiconductor memory as a recording medium.

US 6,145,060 to Takasu et al. discloses a data storage device with only internal addressing.

US 6,269,434 to Tanaka discloses a recording and reproducing apparatus including a nonvolatile memory which includes a first area for file management tables and a second area for data and a control unit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 571-272-7515. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DEF



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